

REMARKS

This paper is filed in response to the Office Action mailed September 24, 2008.

Following the amendments above, claims 1-5, 7- 13, 16-19, 21-23, and 26-32 are pending in this application. Claims 1-13, 16-23, and 26-32 stand rejected under 35 U.S.C. § 112, ¶ 1 for allegedly failing to comply with the written description requirement. Claims 19-23, 26-28, 30, and 32 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards unpatentable subject matter. Claims 1-3, 5-13, 16, 17, 19-23, 26, 27, and 29-32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. 5,880,411 to Gillespie et al (“Gillespie”) in view of U.S. Patent No. 6,590,568 to Astala et al (“Astala”). Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gillespie in view of Astala and further in view of U.S. Patent Publication No. 2003/0063073 to Geaghan et al (“Geaghan”). Claims 18 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gillespie in view of Astala and further in view of U.S. Patent No. 6,118,435 to Fujita et al (“Fujita”).

Applicant has cancelled claims 6 and 20. Applicant traverses each of the Examiner’s rejections of the claims and respectfully requests reconsideration and allowance of all claims in view of the remarks below.

I. § 112, ¶ 1 – Claims 1-13, 16-23, and 26-32

Applicant respectfully traverses the rejection of claims 1-13, 16-23, and 26-32 under 35 U.S.C. § 112, ¶ 1.

Applicant has cancelled claims 6 and 20 rendering the rejection of those claims moot.

The Examiner has rejected claims 1 and 19 for reciting a “change in pressure threshold.” See Office Action, p. 3. Based on the Examiner’s rejection, there appears to be confusion over the use of the phrase in question. The Examiner states that the specification recites comparing a change in pressure to a threshold value. See Office Action, p. 3. Further, the specification recites comparing a change in pressure to a threshold value. See e.g. Specification, ¶ 3. Additionally, Figure 2 shows step 222 in which a change in pressure (ΔP) is compared to a threshold. Further, it is disclosed that if

several conditions are true, including that a change in pressure is greater than a threshold, a press signal is output. Thus, the element that recites “the change in pressure is greater than a change in pressure threshold” is supported by the specification.

It should be noted that the threshold quoted above is a “change in pressure” threshold (i.e. a threshold for ΔP), which may be a constant value, rather than a pressure threshold that is changing, which appears to be the Examiner’s interpretation.

For the foregoing reasons, Applicant respectfully asserts that claims 1 and 19, and consequently their dependent claims, satisfy the requirements of 35 U.S.C. § 112, ¶ 1.

II. § 101 – Claims 19-23, 26-28, 30, and 32

Applicant respectfully traverses the rejection of claims 19-23, 26-28, 30, and 32 under 35 U.S.C. § 101 as allegedly being directed to non-patentable subject matter.

In response to the Examiner’s assertion that the description of ‘computer-readable media’ in the specification may encompass a pure signal embodiment, Applicant has deleted reference to ‘transmission device’ from paragraph 20 to clarify that claims 19-23, 26-28, 30, and 32 do not claim pure signal embodiments. This deletion is only intended to ensure the scope of the term ‘computer-readable media’ does not cover pure signal embodiments, but does not otherwise indicate any intent to disclaim any other non-pure signal embodiments that ‘computer-readable media’ may encompass.

In view of the foregoing, Applicant respectfully asserts that claims 19-23, 26-28, 30, and 32 do not include pure signal embodiments within their scope and therefore claim only patentable subject matter. Applicant respectfully requests the Examiner withdraw the rejection of claims 19-23, 26-28, 30, and 32.

III. § 103(a) – Gillespie in view of Astala – Claims 1-3, 5-13, 16, 17, 19-23, 26, 27, and 29-32

Applicant respectfully traverses the rejection of claims 1-3, 5-13, 16, 17, 19-23, 26, 27, and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of Astala.

To sustain a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claimed invention. See M.P.E.P. § 2143.03.

Applicant has cancelled claims 6-20 rendering their rejection moot.

In response to Applicant's arguments presented in the previous response, the Examiner argues that Gillespie discloses "the change in pressure is greater than a change in pressure threshold" because Gillespie recites "the finger pressure increases past threshold ZpushDown, causing the virtual button to be pressed." See Office Action, p. 9. However, this does not disclose that a change in pressures is being calculated or compared against a threshold. Rather, the quoted section discloses that a pressure, not a change in pressure, is compared against the threshold in an iterative fashion until the pressure is greater than the threshold, at which time a button press occurs. Thus, Gillespie does not disclose comparing a change in pressure to a threshold, but only discloses comparing a pressure to a threshold.

Further, with respect to Astala, the Examiner responds that Astala discloses "the change in pressure is greater than a change in pressure threshold" because:

Astala teaches "at step 710, a determination is made that the value of the pressure z of touch input 732 is greater than a predetermined value Za over the period of time t.sub.1 that the object touches the touch screen 70, that is greater than a predetermined time tA. That is, the pressure of the object touching the touch screen 70 is determined to be greater than a predetermined pressure value for a period of time, which is greater than a predetermined period of time," which clearly teaches outputting a press signal if the value of a **pressure of a touch input is greater than a pressure threshold** and a first time interval has elapsed. (emphasis added)

As can be seen in the emphasized portion of the language from the Office Action, the Examiner alleges that Astala discloses comparing a pressure to a pressure threshold. See Office Action, p. 9-10. But this is not the same as comparing a change in pressure to a threshold as recited in claim 1. Thus, Astala also fails to teach "the change in pressure is greater than a change in pressure threshold."

With respect to the Examiner's rejection, because Gillespie in view of Astala does not teach or suggest "outputting a press signal if the velocity is less than a velocity

threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, claim 1 is patentable over the combined references. The Examiner has cited to column 35 lines 28-30 and column 49, lines 8-12 to support the assertion that Gillespie teaches comparing a change in pressure to a threshold. However, these two portions of Gillespie relate to a pressure value, not a change in pressure value:

Finally, the Z signal exceeds threshold Ztap for at least some part of the stroke. Thus the stroke qualifies as a tap. Gillespie, Col. 35, lines 28-30.

FIG. 19 is a timing diagram illustrating a "push" gesture. To perform this gesture, the finger is first brought near enough to cause cursor motion without causing a virtual button press. Next, the finger pressure increases past threshold ZpushDown, causing the virtual button to be pressed. Gillespie, Col. 49, lines 8-12.

Each of these passages describes comparing a “pressure” with a threshold, not a “change in pressure” with a “change in pressure” threshold. As such, Gillespie does not teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed.” Astala does not cure this deficiency. Astala teaches a method for dragging a virtual object across a touch screen by dragging a finger across the touch screen. The portion cited by the Examiner does not relate to detecting a press event. Instead it relates to the detection of the drag gesture. The detection of a press is dealt with summarily:

The process begins at step 700. At step 702, a touch screen input is detected. That is, the touch of an object, such as a finger or pointed stylus, on the touch screen 70 is detected. This is illustrated in FIG. 6b by touch input 732 being disposed over the object file 1 of window 728. Astala, Col. 9, lines 15-19.

Thus, neither Astala, nor Gillespie in view of Astala, teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1. As such, claim 1 is patentable over Gillespie in view of Astala. Applicant respectfully requests the Examiner withdraw the rejection of claim 1.

Similar to claim 1, claim 19 recites “program code for outputting a press signal if the velocity is less than the velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed.” Claim 19 is patentable over Gillespie in view of Astala for at least the same reasons as claim 1. Applicant respectfully requests the Examiner withdraw the rejection of claim 1.

Because claims 2-3, 5, 7-13, 16, 17, 21-23, 26, 27, and 29-32 each depend from and further limit either claim 1 or claim 19, claims 2-3, 5, 7-13, 16, 17, 21-23, 26, 27, and 29-32 are each patentable over Gillespie in view of Astala for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claims 2-3, 5, 7-13, 16, 17, 21-23, 26, 27, and 29-32.

IV. § 103(a) – Gillespie in view of Astala and Geaghan – Claim 4

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of Astala and further in view of Geaghan.

To sustain a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claimed invention. See M.P.E.P. § 2143.03.

Because Gillespie in view of Astala and further in view of Geaghan does not teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, from which claim 4 depends, claim 4 is patentable over the combined references. As discussed above, Gillespie in view of Astala does not teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed.” Geaghan does not cure this deficiency. Geaghan teaches that a change in pressure should be **less than** a threshold to detect a valid press event, not that a change in pressure should be greater than a threshold as recited in claim 1. See Geaghan, Figure 1. Further, Geaghan states that if the rate of change of pressure is greater than a threshold, it “can indicate a double touch or an unstable touch. If the touch is stable and the rate of change is less than a threshold, a position can be reported.” Geaghan, Paragraph 50. As such, Geaghan teaches that a change in pressure greater than a threshold is undesirable

when detecting a touch, contrary to elements recited in claim 4. Thus, claim 4 is patentable over the combined references. Applicant respectfully requests the Examiner withdraw the rejection of claim 4.

V. § 103(a) – Gillespie in view of Astala and Fujita – Claims 18 and 28

Applicant respectfully traverses the rejection of claims 18 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Gillespie in view of Astala and further in view of Fujita.

To sustain a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claimed invention. See M.P.E.P. § 2143.03.

Because Gillespie in view of Astala and further in view of Fujita does not teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed” as recited in claim 1, from which claim 18 depends, claim 18 is patentable over the combined references. As discussed above, Gillespie in view of Astala does not teach or suggest “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed.” Fujita does not cure this deficiency.

Fujita generally teaches a touch panel with tactile feedback. However, Fujita teaches that detection of a press is made as follows:

Within the case 1, a press detection switch 6 is provided between the touch panel 3 and the touch-panel support plate 4 therebelow for detection of a press on the touch panel 3 at a pressure greater than a predetermined level P_t and for output of a press detection signal SS (see FIG. 2). The press detection switch 6 constitutes the press detecting means. The predetermined pressure P_t in this case means a pressure such as to cause the press detection switch 6 to output the press detection signal SS. Fujita, Col. 4, lines 19-27.

As such, Fujita teaches that a press is detected simply by detecting a pressure above a threshold. This is not the same as “outputting a press signal if the velocity is less than a velocity threshold, the change in pressure is greater than a change in pressure

threshold, and a first interval has elapsed.” Thus, the combined references do not teach or suggest each and every element of claim 18. Therefore, claim 18 is patentable over the combined references. Applicant respectfully requests the Examiner withdraw the rejection of claim 18.

Claim 28 depends from claim 19, which recites “program code for outputting a press signal if the velocity is less than the velocity threshold, the change in pressure is greater than a change in pressure threshold, and a first interval has elapsed.” Claim 28 is patentable over the combined references for at least the same reasons as claim 18. Applicant respectfully requests the Examiner withdraw the rejection of claim 28.

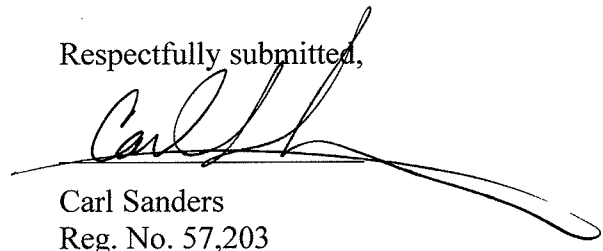
CONCLUSION

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Date: 11/21/2008

Respectfully submitted,



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